

REMARKS

Further to the Amendment filed on October 20, 2006, Applicants respectfully submit the foregoing amendments and the following remarks in response to the Office Action mailed on June 22, 2006. Applicants request that the Examiner consider and enter the instant Supplemental Amendment. In view of the amendments and remarks presented herein and the amendments, remarks and Declaration Under 37 C.F.R. § 1.132 filed on October 20, 2006, favorable consideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 61, 64, 66, 68, 73, 78 and 81-88 are pending in the application, with Claim 61 being the only independent claim. Claims 62, 63, 65, 67, 69-72, 74-77, 79 and 80 were cancelled previously. Claim 61 has been amended herein to correct a clerical error. Specifically, in the Amendment filed on October 20, 2006, Applicants inadvertently amended Claim 61 to recite that the polymer consists of a copolymer of acrylic acid and butyl methacrylate that contains about 5-14 wt.% acrylic acid. By this Supplemental Amendment, Applicants have corrected Claim 61 to recite that the polymer consists of a copolymer of acrylic acid and butyl methacrylate that contains about 2-14 wt. % acrylic acid. Applicants submit that support for the amendment can be found in the specification as originally filed. Applicants submit that no new matter has been added.

In the Office Action, Claims 61-66 and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,928,656 (Strella et al.) in view of U.S. Patent No. 5,854,365 (Ohno et al.). Claims 61-72 and 81-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,991,007 (Perronin et al.) in view of Strella et al.

Claims 61-72 and 81-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Perronin et al. For the reasons set forth in the Amendment filed on October 20, 2006, Applicants submit that these rejections have been overcome. That is, for the reasons set forth in the October 20, 2006 Amendment, Applicants submit that the proposed combination of Strella et al. and Ohno et al. fails to teach or suggest at least a non-aqueous solvent selected from the group consisting of aliphatic ketones, aromatic ketones, aliphatic alcohols, aromatic alcohols, glycol ethers, esters, and benzoates, as recited in Claim 61. Applicants also submit that for the reasons set forth in the October 20, 2006 Amendment, neither Perronin et al. nor Perronin et al. combined with Strella et al., as proposed by the Examiner, render obvious at least a pigmented nail enamel composition having a polymer that consists of a copolymer of acrylic acid and butyl methacrylate that contains about 2-14 wt.% acrylic acid, as recited in Claim 61. Reconsideration and withdrawal of the § 103 rejections are requested.

Applicants respectfully submit that the present invention is patentably defined by independent Claim 61. Dependent Claims 64, 66, 68, 73, 78 and 81-88 are also allowable, in their own right, for defining features of the present invention in addition to those recited in Claim 61. Individual consideration of each of the dependent claims is requested.

Applicants submit that the present application is in condition for allowance. Favorable consideration, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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